IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLAE SIDE

Writ Petition No. 4011 of 2007

Prakash Dashrathrao Wagaskar
and others ..Petitioners

vs.

Phakirrao Tukaram Sope ..Respondent

Shri Mandar Limaye for petitioners.

CORAM: S.C.DHARMADHIKARI J.
4th July, 2007

P.C.

. The impugned order is passed on an application for amendment of the plaint. There is substance in the grievance of Shri Limaye that the application for amendment is made in the suit filed in the year 1989 and the same has been allowed without in any manner balancing the equities and protecting the petitioners/original defendants.

. It appears from the record that the amendment is already carried out. The application was allowed by the Trial Court on 6th January, 2007. The Trial Court while allowing the application for amendment has assigned cogent and satisfactory reasons which are not demonstrated to be perverse or vitiated by any error apparent on the face of record. The Trial Court has directed that since the suit

is very old, amendment be carried out within 7 days and thereafter the matter shall proceed. However, the Trial Court ought to have allowed the application by imposing costs in as much as the alleged subsequent development is of the year 2002. The suit also deserves to be heard expeditiously. In such circumstances, only modification to the Trial Court's order necessary is that the original plaintiff should pay to the petitioners costs quantified at Rs.500/- The costs to be paid within a period of two weeks from the date of receipt of the order passed by this Court. The Trial Court to endeavour and dispose of the suit within a period of six months from the date of receipt of this order.

. Barring this modification the petition stands dismissed.

(S.C.DHARMADHIKARI J.)